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TIME SQUARE CONSTRUCTION, INC.

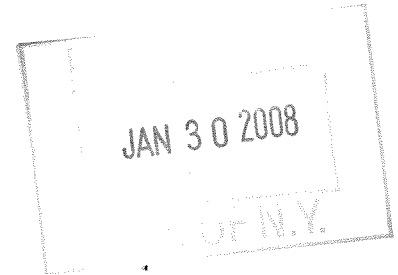
Plaintiff,

- against -

07-CV-7250
(SAS)(AJP)

MASON TENDERS DISTRICT COUNCIL OF
GREATER NEW YORK & LONG ISLAND
AND CONSTRUCTION GENERAL
LABORERS JATC, LOCAL UNION NO. 79,

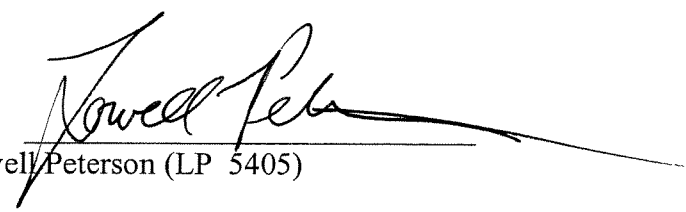
Defendants.
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NOTICE OF APPEAL

Notice is hereby given that Mason Tenders District Council of Greater New York & Long Island (the "MTDC") and Construction General Laborers JATC, Local Union No. 79 ("Local 79"), defendants in the above-captioned case, hereby appeal to the United States Court of Appeals for the Second Circuit from an order granting the plaintiff's motion for a preliminary injunction, entered in this action on the 2nd day of January, 2008.

Dated: January 30, 2008

By: 
Lowell Peterson (LP 5405)

MEYER, SUOZZI, ENGLISH
& KLEIN, P.C.
1350 Broadway, Suite 501
New York, New York 10018
(212) 239-4999

Counsel for Defendants

JAN 30 2008
92405-646043

AFFIDAVIT OF SERVICE BY MAIL

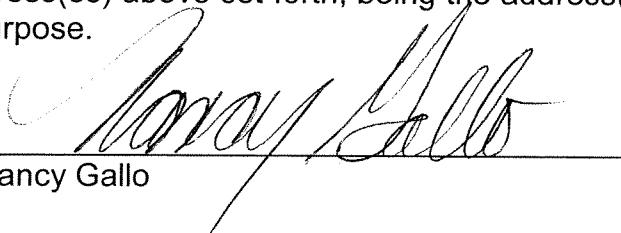
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Nancy Gallo, being duly sworn, deposes and says:

1. I am not a party to the action.
2. I am over 18 years of age.
3. I reside in Queens County, New York.
4. On January 30, 2008, I served the foregoing Notice of Appeal upon:

McDermott Will & Emery, LLP
340 Madison Avenue
New York, NY 10173
Att: Joel Cohen, Esq.

by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within New York State, located at 1350 Broadway, New York, New York 10018 addressed to said attorney(s) at the address(es) above set forth, being the address(es) designated by said attorney(s) for that purpose.



Nancy Gallo

Sworn to before me this
30th day of January, 2008



Notary Public

BARBARA KAPPOCK
Notary Public, State Of New York
No. 01-4719234
Qualified In New York County
Commission Expires April 30, 20 10